

2011-0295

INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT
MARCUS M. LAMBERT, COUNCILMAN, DISTRICT VI

ORDINANCE NO. 11-9-4

An ordinance to approve and authorize the execution of a Department of the Army Easement for the Recreational Fishing Jetty at Lake Pontchartrain and the east guide levee of the Bonnet Carre' Spillway (DACW29-2-10-176) in Norco.

WHEREAS, the Parish has constructed and maintained a recreational fishing jetty at Lake Pontchartrain and the east guide levee of the Bonnet Carre' Spillway, as a facility of its Department of Parks & Recreation; and,

WHEREAS, the Department of the Army, New Orleans District, Corps of Engineers approved License No. DACW29-3-94-73 to accommodate the project, which was renewed by No. DACW29-2-00-01, Ordinance No. 99-12-23 adopted by the St. Charles Parish Council on December 20, 1999, which has now expired; and,

WHEREAS, it is the desire of the Parish Council to approve a new twenty five year easement for said recreation project.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Department of the Army Easement For Fishing Jetty Located on Bonnet Carre Spillway Project Tract No. 134, Section 39 Township 11 South, Range 8 East, St. Charles Parish, Louisiana, No. DACW29-2-10-176 by and between the Secretary of the Army and the St. Charles Parish Council for the above referenced recreation facility of the St. Charles Parish Department of Parks & Recreation is hereby approved.

SECTION II. That the Parish President is hereby authorized to execute said License on behalf of the St. Charles Parish Council and the Department of Parks & Recreation, a duly created Department of Parish Government in accordance with the St. Charles Parish Home Rule Charter.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: SCHEXNAYDRE, AUTHEMENT, RAYMOND, TASTET, BENEDETTO, HOGAN, COCHRAN, LAMBERT, NUSS
NAYS: NONE
ABSENT: NONE

And the ordinance was declared adopted this 19th day of September, 2011, to become effective five (5) days after publication in the Official Journal.

Bonnet Carre' Fishing Jetty DACW29-2-00-01

CHAIRMAN: _____
SECRETARY: Barbara Jacob Tucker
DLVD/PARISH PRESIDENT: September 20, 2011
APPROVED: _____ DISAPPROVED: _____
PARISH PRESIDENT: Neil
RETD/SECRETARY: September 20, 2011
AT: 11:15 Am RECD BY: RA

RECORDED IN THE ST. CHARLES PARISH
CLERK OF COURT OFFICE
ON June 3, 2016
AS ENTRY NO. 415348
IN MORTGAGE/CONVEYANCE BOOK
NO. 833 FOLIO 232

**DEPARTMENT OF THE ARMY
EASEMENT FOR FISHING JETTY
LOCATED ON
BONNET CARRE SPILLWAY PROJECT
TRACT NO. 134, SECTION 39
TOWNSHIP 11 SOUTH, RANGE 8 EAST
ST. CHARLES PARISH, LOUISIANA**

THE SECRETARY OF THE ARMY, under and by virtue of the authority vested in the Secretary by Title 10 United States Code, Section 2668, having found that the granting of this easement will not be against the public interest, hereby grants to, St. Charles Parish Council hereinafter referred to as the grantee, an easement to have and maintain a fishing jetty, along the Bonnet Carre Spillway, St. Charles Parish, Louisiana, hereinafter referred to as the facilities, over, across, in and upon lands of the United States as identified in Exhibit A, hereinafter referred to as the premises, and which are attached hereto and made a part hereof.

THIS EASEMENT is granted subject to the following conditions.

1. TERM

This easement is granted for a term of 25 years, beginning **December 1, 2009**, and ending **December 31 2034**.

2. CONSIDERATION

The consideration of this easement shall be the operation and maintenance of a fishing jetty for the benefit of the United States and the general public in accordance with the terms herein set forth.

3. NOTICES

All correspondence and notices to be given pursuant to this easement shall be addressed, if to the Grantee, to St. Charles Parish Council, P.O. Box 302, Hahnville, Louisiana 70057, and, if to the United States, to the District Engineer, Attention: Chief, Real Estate Division, P.O. Box 60267, New Orleans, Louisiana 70160-0267, or as may from time to time otherwise be directed by the parties. Notice shall be deemed to have been duly given if and when enclosed in a properly sealed envelope, or wrapper, addressed as aforesaid, and deposited postage prepaid in a post office regularly maintained by the United States Postal Service.

4. AUTHORIZED REPRESENTATIVES

Except as otherwise specifically provided, any reference herein to "Secretary", "District Engineer", "Installation Commander", or "said officer" shall include their duly authorized representatives. Any reference to "grantee" shall include assignees, transferees and their duly authorized representatives.

5. SUPERVISION BY THE DISTRICT ENGINEER

The construction, operation, maintenance, repair or replacement of said facilities, including culverts and other drainage facilities, shall be performed at no cost or expense to the United States and subject to the approval of the District Engineer, New Orleans District, hereinafter referred to as said officer. Upon the completion of any of the above activities, the Grantee shall immediately restore the premises to the satisfaction of said officer. The use and occupation of the premises for the purposes herein granted shall be subject to such rules and regulations as said officer prescribes in writing from time to time.

6. APPLICABLE LAWS AND REGULATIONS

The grantee shall comply with all applicable Federal, state, county and municipal laws, ordinances and regulations wherein the premises are located.

7. CONDITION OF PREMISES

The grantee acknowledges that it has inspected the premises, knows the condition, and understands that the same is granted without any representation or warranties whatsoever and without any obligation on the part of the United States.

8. INSPECTION AND REPAIRS

The grantee shall inspect the facilities at reasonable intervals and immediately repair any defects found by such inspection or when required by said officer to repair any such defects.

9. PROTECTION OF GOVERNMENT PROPERTY

The grantee shall be responsible for any damage that may be caused to the property of the United States by the activities of the grantee under this easement and shall exercise due diligence in the protection of all property located on the premises against fire or damage from any and all other causes. Any property of the United States damaged or destroyed by the grantee incident to the exercise of the privileges herein granted shall be promptly repaired or replaced by the grantee to a condition satisfactory to said officer, or at the election of said officer, reimbursement made therefor by the grantee in an amount necessary to restore or replace the property to a condition satisfactory to said officer.

10. RIGHT TO ENTER

The right is reserved to the United States, its officers, agents, and employees to enter upon the premises at any time and for any purpose necessary or convenient in connection with government purposes, to make inspections, to remove timber or other material, except property of the grantee, to flood the premises and/or to make any other use of the lands as may be necessary in connection with government purposes, and the grantee shall have no claim for damages on account thereof against the United States or any officer, agent, or employee thereof.

11. RIGHT TO CONNECT

The United States reserves the right to make such connections between the road or street herein authorized and roads and streets on other government lands as said officer may from time consider necessary, and also reserves to itself rights-of-way for all purposes across, over or under the right-of-way hereby granted; provided that such rights shall be used in a manner that will not create unnecessary interference with the use and enjoyment by the grantee of the right-of-way herein granted.

12. OTHER AGENCY AGREEMENTS

It is understood that the provisions of the conditions on Supervision by the District Engineer, New Orleans District, and Right to Enter above shall not abrogate or interfere with any agreements or commitments made or entered into between the grantee and any other agency of the United States with regard to financial aid to the grantee in connection with the construction, maintenance, or repair of the facilities herein authorized.

13. TERMINATION

This easement may be terminated by the Secretary upon 30 days written notice to the grantee if the Secretary shall determine that the right-of-way hereby granted interferes with the use or disposal of said land by the United States, or it may be revoked by the Secretary for failure of the grantee to comply with any or all of the conditions of this easement, or for non-use for a period of two (2) years, or for abandonment.

14. SOIL AND WATER CONSERVATION

The grantee shall maintain, in a manner satisfactory to said officer, all soil and water conservation structures that may be in existence upon said premises at the beginning of or that may be constructed by the grantee during the term of this easement, and the grantee shall take appropriate measures to prevent or control soil erosion within the right-of-way herein granted. Any soil erosion occurring outside the premises resulting from the activities of the grantee shall be corrected by the grantee as directed by said officer.

15. ENVIRONMENTAL PROTECTION

a. Within the limits of their respective legal powers, the parties hereto shall protect the premises against pollution of its air, ground, and water. The grantee shall promptly comply with any laws, regulations, conditions or instructions affecting the activity hereby authorized if and when issued by the Environmental Protection Agency, or any Federal, state, interstate or local governmental agency having jurisdiction to abate or prevent pollution. The disposal of any toxic or hazardous materials within the premises is strictly prohibited. Such regulations, conditions, or instructions in effect or prescribed by the said Environmental Protection Agency or any Federal, state, interstate or local governmental agency are hereby made a condition of this easement. The grantee shall not discharge waste or effluent from the premises in such a manner that the discharge will contaminate streams or other bodies of water or otherwise become a public nuisance.

b. The use of any pesticides or herbicides within the premises shall be in conformance with all applicable Federal, state and local laws and regulations. The grantee must obtain approval in writing from said officer before any pesticides or herbicides are applied to the premises.

c. The grantee will use all reasonable means available to protect the environment and natural resources, and where damage nonetheless occurs arising from the grantee's activities, the grantee shall be liable to restore the damaged resources.

16. ENVIRONMENTAL CONDITION OF PROPERTY

An Environmental Condition of Property (ECP) documenting the known history of the property with regard to the storage, release or disposal of hazardous substances thereon, is attached hereto and made a part hereof as Exhibit C. Upon expiration, revocation or termination of this easement, another ECP shall be prepared which will document the environmental condition of the property at that time. A comparison of the two assessments will assist the said officer in determining any environmental restoration requirements. Any such requirements will be completed by the grantee in accordance with the condition on **RESTORATION**.

17. HISTORIC PRESERVATION

The grantee shall not remove or disturb, or cause or permit to be removed or disturbed, any historical, archeological, architectural or other cultural artifacts, relics, remains or objects of antiquity. In the event such items are discovered on the premises, the grantee shall immediately notify said officer and protect the site and material from further disturbance until said officer gives clearance to proceed.

18. NON-DISCRIMINATION

a. The grantee shall not discriminate against any person or persons because of race, color, age, sex, handicap, national origin or religion.

b. The grantee, by acceptance of this easement, is receiving a type of Federal assistance and, therefore, hereby given assurance that it will comply with the provisions of Title VI of the Civil Rights Act of 1964 as amended (42 U.S.C. § 2000d); the Age Discrimination Act of 1975 (42 U.S.C. § 6102); the Rehabilitation Act of 1973, as amended ((29 U.S.C. § 794); and all requirements imposed by or pursuant to the Directive of the Department of Defense (32 CFR Part 300) issued as Department of Defense Directive 5500.11 and 1020.1, and Army Regulation 600-7. This assurance shall be binding on the grantee, its agents, successors, transferees, and assignees.

19. RESTORATION

On or before the expiration or termination of this easement, the grantee shall, without expense to the United States, and within such time as said officer may indicate, remove said facilities and restore the premises to the satisfaction of said officer. In the event the grantee shall fail to remove said facilities and restore the premises, the United States shall have the option to take over said facilities without compensation, or to remove said facilities and perform the restoration at the expense of the grantee, and the grantee shall have no claim for damages against the United States or its officers or agents for such action.

20. DISCLAIMER

This instrument is effective only insofar as the rights of the United States in the premises are concerned, and the grantee shall obtain such permission as may be required on account of any other existing rights. It is understood that the granting of this easement does not eliminate the necessity of obtaining any Department of the Army permit which may be required pursuant to the provisions of Section 10 of the Rivers and Harbors Act of 3 March 1899 (30 Stat. 1151; 33 U.S.C. § 403), Section 404 of the Clean Water Act (33 U.S.C. § 1344) or any other permit or license which may be required by Federal, state or local laws in connection with use of the premises.

THIS EASEMENT is not subject to Title 10, United States Code, Section 2662, as amended.

IN WITNESS WHEREOF I have hereunto set my hand by authority/direction of the Secretary of the Army this 26th day of September, 2011.

Sheila B. Mills
Witness

Sheila B. Mills
Printed Name

Keokuk Jones
Witness

Keokuk JONES
Printed Name

Janet R. Cruppi
Linda C. LaBure
Chief, Real Estate Division
U.S. Army Corps of Engineers
New Orleans District

Cerio Di Marco
APPROVED AS TO LEGAL SUFFICIENCY
CERIO DI MARCO
ATTORNEY ADVISOR
U.S. Army Engineer District
New Orleans

THIS EASEMENT is also executed by the grantee this 20th day of September, 2011.

ST. CHARLES PARISH COUNCIL

Barbara Jacob Tucker
Witness

V.J. St. Pierre, Jr.

Barbara Jacob Tucker
Printed Name

By: [Signature]

Valarie Berthelot
Witness

Title Parish President

Valarie Berthelot
Printed Name

[Signature]
NOTARY PUBLIC (Sign)

Loose, Vincent
NOTARY PUBLIC (Print)

STATE OF LOUISIANA
PARISH OF ST. CHARLES

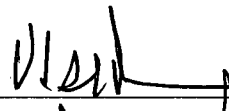
MY COMMISSION EXPIRES: at death

NOTARY I.D. OR BAR ASSN. NUMBER 58825

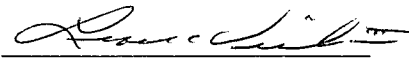
CERTIFICATE OF AUTHORITY

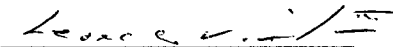
I, V.J. St. Pierre, Jr., do hereby certify that I am the principal legal officer of the St. Charles Parish Council (SCPC), that the SCPC is a legally constituted public body with full authority and legal capability to adhere and comply with the terms and conditions for Easement No. DACW29-2-10-176, and subsequent amendments thereto, for a fishing jetty, in connection with the Bonnet Carre Spillway Project, and that the person who executed Easement No. DACW29-2-10-176 on behalf of the SCPC has acted within his statutory authority.

IN WITNESS WHEREOF, I have made and executed this certificate of authority on this 20th day of September, 2011.

Signed: 
Printed name: V.J. ST. PIERRE
Title: PARISH PRESIDENT

Sworn to and subscribed before me, Notary Public, This 15th day of September 2011.


Notary Public (sign)


Notary Public (Print)

State of Louisiana
Parish of St. Charles
My Commission Expires: at death
Notary I.D. or Bar Assn Number 58825

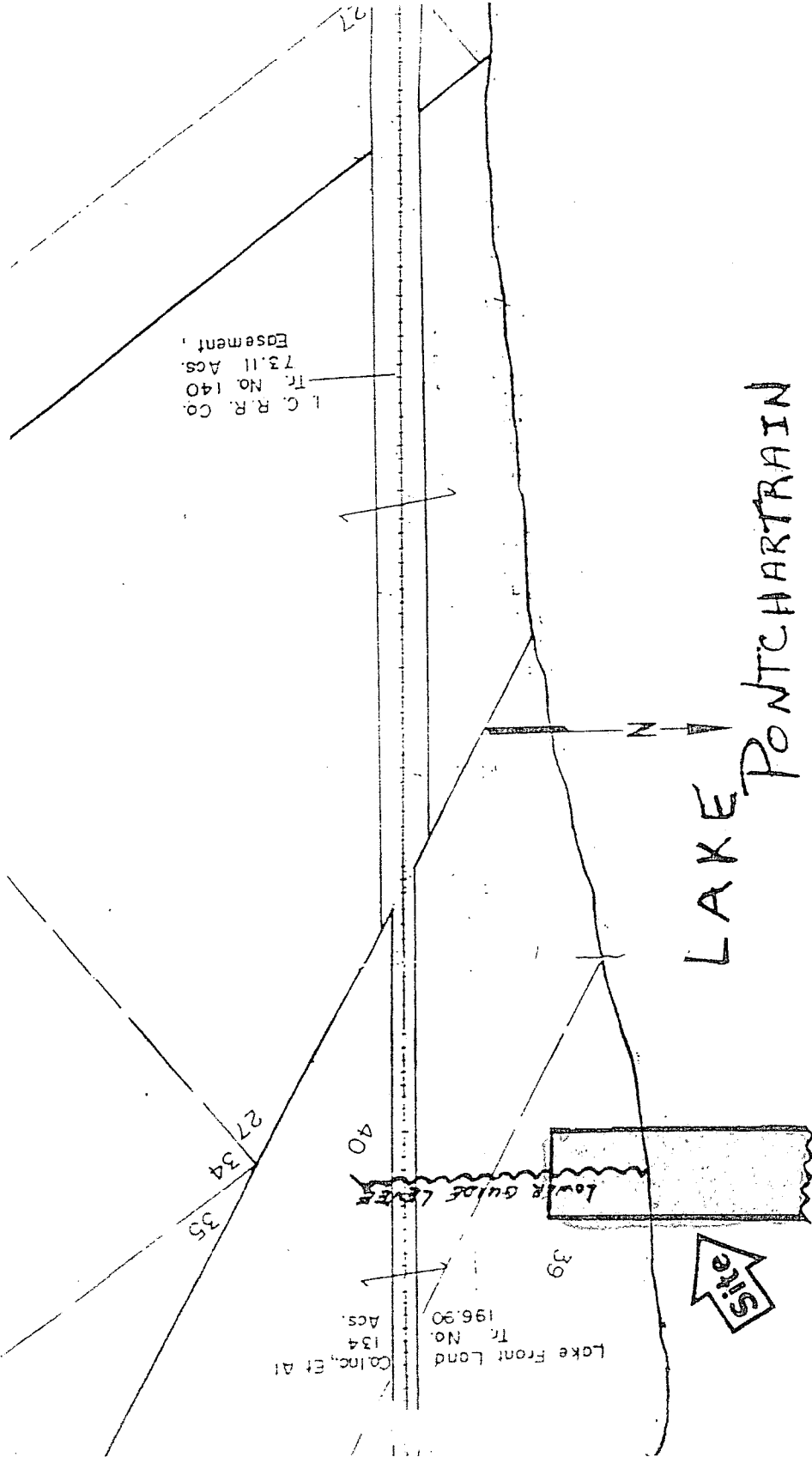
**ACKNOWLEDGEMENT OF WITNESS FOR
EASEMENT NO. DACW29-2-10-176**

BEFORE ME, the undersigned authority, this day personally came and appeared the undersigned person, duly sworn, who did depose and state that she executed the foregoing easement agreement as subscribing witness thereto, and that the easement agreement was signed and executed by JANET R. CRUPPI, and that she knows JANET R. CRUPPI to be the identical person who executed the same and saw JANET R. CRUPPI sign her name in her capacity as Deputy Chief, Real Estate Division, CEMVN, on behalf of the United States, as the voluntary act and deed of the United States, and for the purposes and considerations therein expressed, in her presence and in the presence of the other subscribing witness.

Signed: Sheila B. Mills (Appearer)
Printed Name: Sheila B. Mills

SWORN TO AND SUBSCRIBED BEFORE ME this 29th day of September 2011.

Signed: [Signature] (Notary)
Printed name: TERRY MICHAEL HAYS
ATTORNEY / NOTARY PUBLIC
ST. TAMMANY PARISH
LOUISIANA
Louisiana Bar Association Number: 06780
My Commission expires is for life



FISHING JETTY

BONNET CARRE SPILLWAY
SCALE: 1" = 10,000'
ST. CHARLES PARISH, LOUISIANA

BONNET CARRE SPILLWAY
 TRACT NO. 134, SECTION 39
 TOWNSHIP 11 SOUTH, RANGE 8 EAST
 EASEMENT NO. DACW29-2-10-176

LAPLACE, LA.

SW/4 BONNET CARRE 15' QUADRANGLE
N3000-W9022.5/7.5

1967
PHOTOREVISED 1972 AND 1979
DMA 7944 III SW-SERIES V885

5

LOCATION OF PROPOSED WORK

Bonnet Carre Floodway

40

39

LA BRANCHE, LA.

SE/4 BONNET CARRE 15' QUADRANGLE
N3000-W9015/7.5

1967
PHOTOREVISED 1972 AND 1979
DMA 7944 III SE-SERIES V885

VICINITY MAP

PROPOSED
ST. CHARLES
PARISH FISHING
JETTY

EASEMENT NO. DACW29-2-10-176

EXHIBIT B
PAGE 1 OF 3

SAYOU

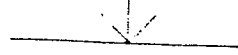
ST. CHARLES PARISH PROPOSED FISHING JETTY

APPROXIMATELY 12 FOOT AT BASE



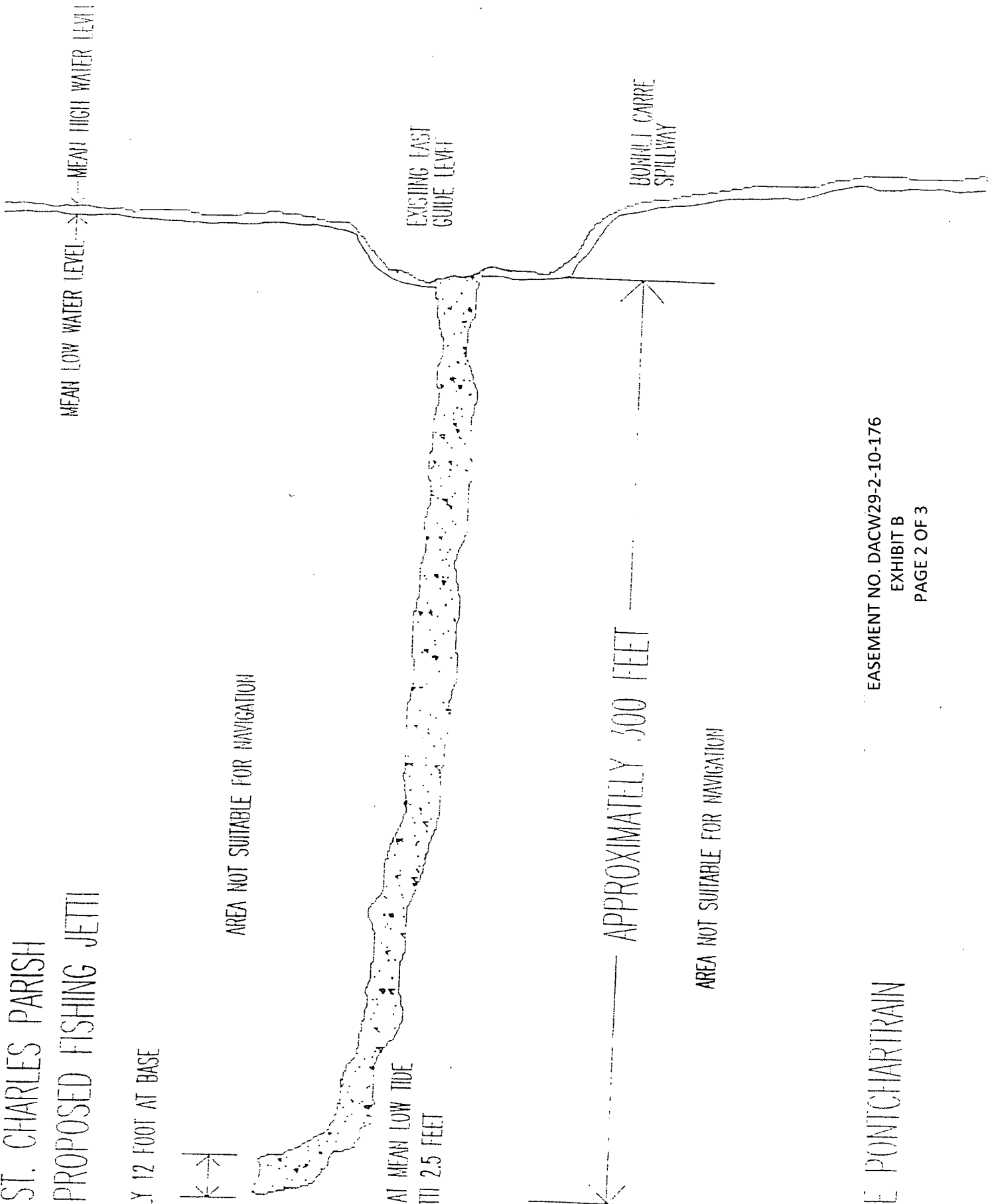
AREA NOT SUITABLE FOR NAVIGATION

WATER DEPTH AT MEAN LOW TIDE
END OF JETTY 2.5 FEET



APPROXIMATELY 500 FEET

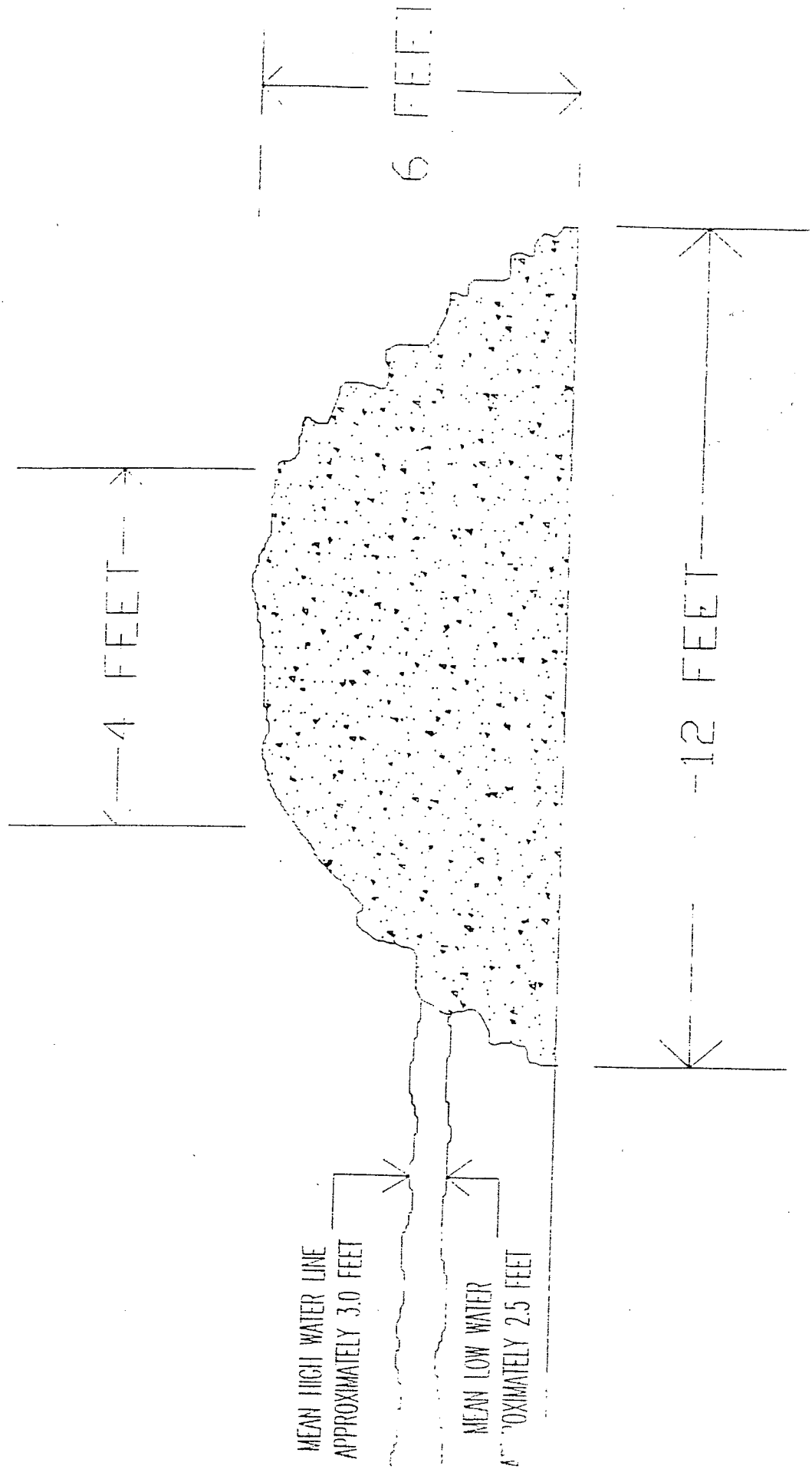
AREA NOT SUITABLE FOR NAVIGATION



LAKE PONTCHARTRAIN

EASEMENT NO. DACW29-2-10-176
EXHIBIT B
PAGE 2 OF 3

ST. CHARLES PARISH
PROPOSED JETTI
CROSS SECTION



ENVIRONMENTAL CONDITION OF PROPERTY

Proposed Easement No. DACW29-2-10-176 for St. Charles Parish Council within the Bonnet Carré Spillway Project, St. Charles Parish, Louisiana

INTRODUCTION

The U.S. Army Corps of Engineers (USACE), New Orleans District (MVN) has prepared this Environmental Condition of Property (ECP) to document existing environmental conditions on Government property within the Bonnet Carré Spillway Project, St. Charles Parish, Louisiana.

Proposed Easement No. DACW29-2-10-176 for St. Charles Parish Council is a renewal of Easement No. DACW29-2-00-01, which granted permission to install a fishing jetty within Bonnet Carre Spillway Project. The proposed easement grants permission for an additional 25-year term to use the right-of-way situated on Government-owned land, acquired as Tract No. 134, Section 29, Township 11 South, Range 8 East, in St. Charles Parish.

NEED FOR ACTION; PURPOSE; AND PUBLIC CONCERNS

This ECP report is a comprehensive inventory and evaluation of existing site conditions for the assessment of potential health and ecological risks associated with a proposed real property transaction. The goal of this ECP is not only to prevent damage to publicly owned resources, but also to preserve the health and well being of members of the public that use the surrounding area.

DESCRIPTION OF WORK

Proposed Easement No. DACW29-2-10-176 for St. Charles Parish Council grants permission for an additional 25-year term to use the sight of an existing fishing jetty located within the Bonnet Carré Spillway Project (Figure 1).

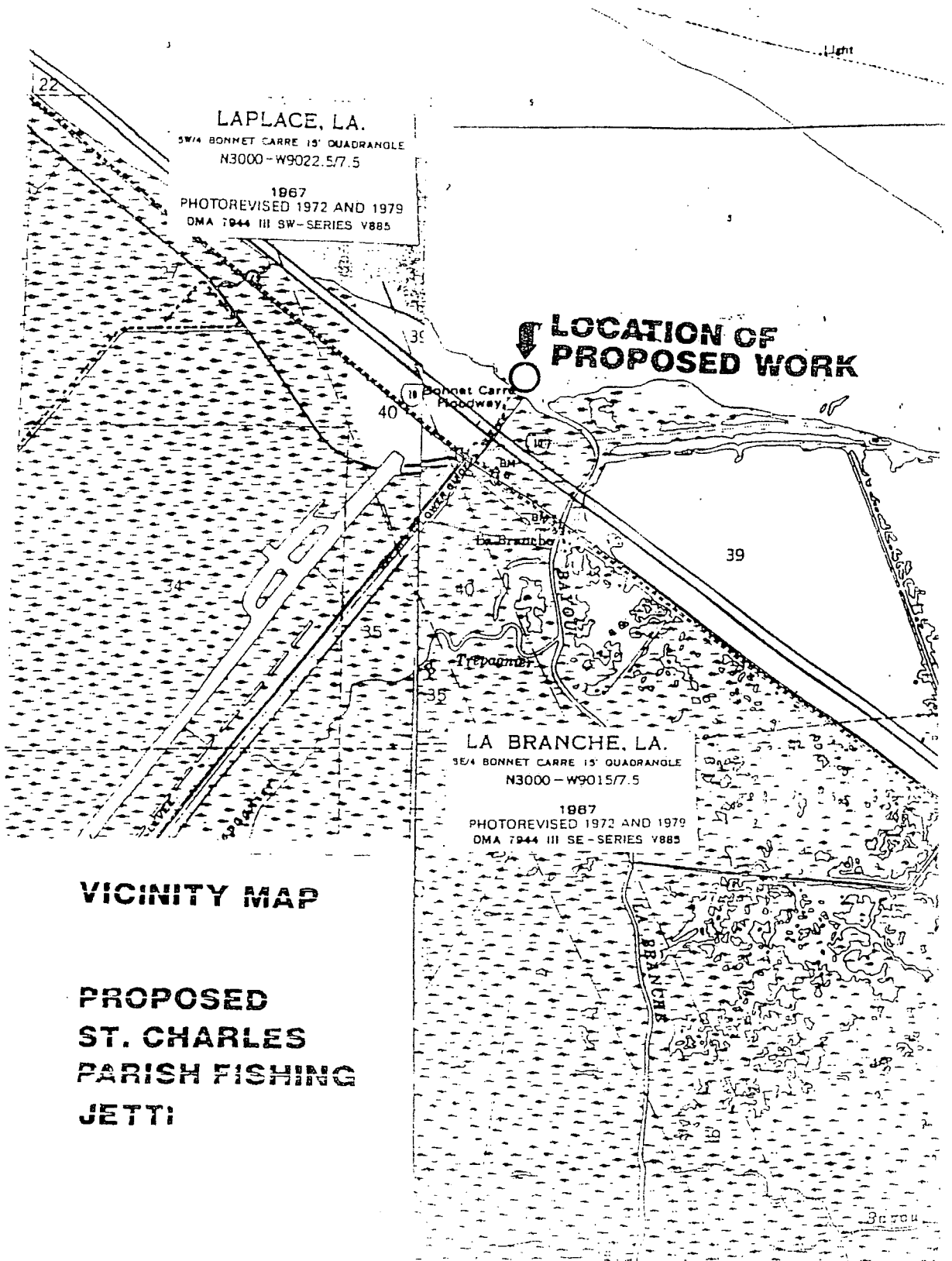


Figure 1. Easement Location within the Bonnet Carré Spillway Project, St. Charles Parish, Louisiana.

ENVIRONMENTAL SETTING

GENERAL SITE DESCRIPTION

The location of the proposed easement is on Government fee-owned lands within the Bonnet Carré Spillway Project.

Soils

The United States Department of Agriculture Natural Resources Conservation Service (2008) classifies various soils outside the Bonnet Carré Spillway along the Lower Guide Levee as Cancienne silty clay loam, frequently flooded; Schriever clay, frequently flooded; and Fausse clay, which are somewhat poorly drained, poorly drained, and very poorly drained, respectively. These three soils occur in natural levees and backswamps, and clayey alluvium is the parent material for Fausse clay. Both Fausse clay and Schriever clay, frequently flooded soils have a very slow infiltration rate (high runoff potential) when thoroughly wet. Cancienne silty clay loam, frequently flooded soil has a very slow rate of water transmission.

Land Use

In addition to providing flood relief for New Orleans and downstream communities along the Mississippi River, the Bonnet Carré Spillway project's nearly 8,000-acre floodway supports diverse natural resources benefiting fish and wildlife, and provides various opportunities for recreation. Each opening of the spillway deposits an average of 9 million cubic yards of sediment from the Mississippi River into the floodway. The most recent opening of the spillway occurred 11 April 2008. The deposits, consisting mostly of silts and sands, are used as fill material for residential and industrial developments. More than 250,000 visitors yearly take advantage of Bonnet Carré Spillway resources. Recreation activities include fishing, crawfishing, hunting, dog training, camping, wildlife viewing, boating, and picnicking. Areas are also designated for mountain biking, retriever dog field trials, model airplane flying competitions, and ATV and motorcycle riding. Additionally, St. Charles Parish maintains designated public recreational areas within the confines of the Spillway, including two boat-launching sites, providing access to the spillway's various waterways and western Lake Pontchartrain. Unsanctioned activities do take place within the Spillway, including but not limited to trash dumping, timber harvesting, and additional recreation activities.

Land Use History

Prehistoric human settlements in the vicinity of the Bonnet Carré Spillway are located near Lake Pontchartrain, with the earliest sites dating to the Tchefonctec culture (ca. 500 B.C.-A.D. 100). Many of these prehistoric sites have been deeply buried through post-depositional subsidence and deposition. Such buried sites were discovered in the course of dredging and construction activities. Historic settlement and agriculture were concentrated along the natural levees of the Mississippi River. Plantations were established along the east bank of the river in St. Charles Parish by 1770. Indigo, cotton, and sugar cane were the principal cash crops during the 18th and early 19th centuries, with sugar cane dominating from the late 19th through mid-20th centuries. Agricultural fields were located on the better-drained land near the river and rarely extended more than one-half mile away from the river. Forested swamps were left fallow except for timber extraction. The commercial timber industry flourished throughout St. Charles Parish from the 1890s to 1918, when cypress stands became severely depleted and the timber industry crashed.

Twentieth century industrial and residential development has supplanted agriculture in the areas flanking the spillway. Shortly after 1914, the New Orleans Refining Company (NORCO), an affiliate of Shell Oil, constructed a refinery and storage tank facility just downstream from the future site of the spillway. The residential community that grew up around the refinery took its name, Norco, from the company acronym. Shell Oil Company took over the Norco Facility in 1928 and opened a chemical plant nearby during the 1950s. Oil fields were discovered upstream and downstream from the spillway during both the 1930s and 1940s.

Construction of the Bonnet Carré Spillway was authorized by the Flood Control Act of 1928, in response to the disastrous flooding that occurred in 1927. The present site of the spillway is at the approximate location of the 19th century Bonnet Carré Crevasse; between 1849 and 1882, four major crevasses had occurred at this location. Since the Mississippi River had a natural tendency to break through at this location, it was a suitable place to locate the spillway. Before construction, there were a few farms located within the present floodway. Surveys and preliminary investigations for the Bonnet Carré Spillway Project were initiated in 1928. Construction began in 1929 and was completed in 1931. The guide levees were completed in 1932, and the highway and railroad crossings were completed in 1936.

ENVIRONMENTAL RESOURCES

Resources described in this ECP are those recognized by laws, executive orders, regulations, or other standards of national, state, or local agencies. A field investigation of the resources likely to be affected by the proposed easement was made by CEMVN personnel on 18 November 2010.

VEGETATION

Existing Conditions

The vegetation along the proposed pipeline right-of-way is mostly recent regrowth scrub/shrub.

Impacts

The proposed easement is not likely to result in any adverse effects to vegetation.

WILDLIFE

Existing Conditions

The area provides some habitat for wildlife. Common inhabitants of grassy, weedy areas are soil-dwelling and surface-dwelling invertebrates, such as nematodes, annelids, arthropods, and snails, amphibians (frogs and toads), and reptiles (snakes, lizards, and turtles). Small mammals likely to inhabit uncultivated and ungrazed fields and grassy ditch banks include the swamp rabbit, hispid cotton rat, and marsh rice rat. Some insect species in ditches, such as mosquitoes, may function as vectors for the transmission of diseases and parasites harmful to other organisms, including humans.

Game mammals include gray squirrel, fox squirrel, swamp rabbit, raccoon, otter, mink, nutria, muskrat, opossum, and beaver; non-game species include the nine-banded armadillo and the southern flying squirrel. Many species of wading birds, shore birds, raptors, and songbirds are occasionally seen in the area.

Impacts

The proposed easement would not be expected to cause any significant changes that would adversely affect wildlife.

SURFACE WATER

Existing Conditions

The Mississippi River and Lake Pontchartrain are the most important surface water sources in the vicinity of the proposed easement.

Impacts

The proposed easement would not be expected to adversely impact surface water.

CULTURAL RESOURCES

Existing Conditions

Cultural resources inventories of project lands at Bonnet Carré Spillway took place between 1986 and 2003 (Poplin et al. 1988; Shuman et al. 1990; Orton et al. 2003; Yakubik et al. 1986). Six historic cultural resource sites have been identified within the spillway area, and three additional prehistoric sites have been identified immediately east of the Lower Guide Levee.

Two of the historic sites (16SC50, 16SC51) within the spillway are listed on the National Register of Historic Places as the Kenner and Kugler Cemeteries Archeological District. The district comprises two early nineteenth through early twentieth century African-American burial plots. The spillway itself, which is significant as an engineering landmark and for its historical association with flood control on the Lower Mississippi River, has been determined to be eligible for inclusion in the National Register. Site 16SC52 is the location of the former Roseland Plantation Sugar House. A brick scatter just south of the spillway structure has been designated site 16SC53, and another brick scatter near the Upper Guide Levee is known as site 16SC54.

The three prehistoric cultural resource sites (16SC10, 16SC11, and 16SC12) are located east of the Lower Guide Levee within one mile of the project area. All three sites are shell middens. The reported locations of the Bayou Trepagnier Site (16SC10) and the Bayou Labranche Site (16SC12) were visited during the investigations reported in Poplin et al. 1988, but the sites were not found. The Bayou Labranche Mouth site (16SC11) was visited during the investigations reported in Poplin et al. 1998, and more recently by a USACE archaeologist. This site appears to be eroding into the lake as reported in 1988.

Impacts

None of these cultural resource sites are located within the area of potential effects (APE), and no adverse impacts to cultural resources are expected as a result of this easement.

RECREATIONAL RESOURCES

Existing Conditions

Recreational resources affected by the placement of the pipeline mainly consist of two boat launch areas in the vicinity of the project. The St. Charles Parish boat launch ramp and parking area located between the I-10 spans offers two boat lanes. The parking area and the ramps could be impacted during the placement of the pipeline, depending on the exact alignment. The overflow parking located to the north of the I-10 spans could also be affected depending on the pipeline alignment.

The other boat ramp is located about 1/3 of a mile south of the St. Charles Parish boat launch along the Lower Guide Levee canal near Bayou Trepagnier. Access is via the levee road. This boat launch area is not paved and offers very little parking.

Impacts

Access to the boat launching ramps could be impacted by the placement of the pipeline, depending on the exact alignment. Recreational bank fishing in the lake near the project area could also be impacted during construction of the proposed action.

HAZARDOUS, TOXIC, AND RADIOACTIVE WASTE

Existing Conditions

Personnel from CEMVN (Lahare and Hill) made a site visit to Bonnet Carré Spillway on 18 November 2010. The field investigation did not reveal any evidence of HTRW contamination, such as distressed vegetation, stained soil, sheens on the water, sick or dead animals, discarded chemical containers, or evidence of pesticide use. No sites containing hazardous, toxic, or radioactive waste (HTRW) have been discovered within the immediate area, nor have any incidents of the release, storage, or disposal of hazardous substances been documented. A search of available records in various offices of CEMVN revealed no evidence indicating that hazardous substances had been stored, released, or disposed of on this property.

Impacts

The proposed easement is not likely to result in any HTRW contamination.

POTENTIAL ENVIRONMENTAL CONCERNS

Existing Conditions

The possibility of intentional dumping of hazardous or toxic materials on the project lands cannot be totally discounted, because dumping of household and commercial garbage is a major problem in the area. Illegal dumping of more dangerous wastes in the surrounding area could also be a problem. However, no evidence of dangerous spills or dumping has been discovered. Trash cans associated with the boat ramps maintained by St. Charles Parish are located within the project area.

Impacts

No present environmental impact damage was noted in accessible records. Impacts from the easement are likely to be insignificant.

SITE VISIT

The field investigation did not reveal any evidence of HTRW contamination, such as distressed vegetation, stained soil, sheens on the water, sick or dead animals, discarded chemical containers, or evidence of pesticide use. No sites containing hazardous, toxic, or radioactive waste (HTRW) have been discovered within the immediate area, nor have any incidents of the release, storage, or disposal of hazardous substances been documented. A search of available records in various offices of CEMVN revealed no evidence indicating that hazardous substances had been stored, released, or disposed of on this property.

COMPLIANCE WITH ENVIRONMENTAL LAWS AND REGULATIONS

In the case of a real property transaction, where a categorical exclusion, as defined by Appendix A of AR 200-2 applies, the vehicle for environmental compliance is the Record of Environmental Consideration (REC). The REC provides NEPA compliance and is supported by the preparation of a Report of Availability (ROA) addressing other environmental laws, and by preparation of an EBS/PAS documenting compliance with the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). Land use history of the project area shows that the spillway was constructed from 1929 to 1931. No information was found indicating HTRW concerns.

SUMMARY OF FINDINGS

A review of existing environmental and cultural resources information for the Bonnet Carré Spillway Project in St. Charles Parish, Louisiana, indicates that no long-term adverse impacts to the environment or recreational resources would be expected as a result of this easement. No adverse impacts to cultural resources would be expected. There are no Superfund sites within two miles of the easement site, and the probability of encountering HTRW on this project is low. Minimal or no individual or cumulative environmental effects would occur as a result of the proposed action.

DOCUMENT PREPARATION

This environmental condition of property report was prepared by Mr. Mark Lahare (Environmental Protection Specialist) and Mr. Trent Stockton (Archaeologist) of the US Army Corps of Engineers, Regional Planning and Environmental Division South, New Orleans District, Environmental Branch.

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- Yakubik, Jill-Karen, Herschel A. Franks, R. Christopher Goodwin, and Carol J. Poplin
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**PRELIMINARY ASSESSMENT SCREENING
CERTIFICATION OF RECORDS SEARCH**

- A. Construction Division
B. Engineering Division
C. Logistics Management Office
D. Operations Division
E. Planning Division
F. Safety, Security & Occupational Health Office
G. Other _____

1. Location:

- a. Project Name: Proposed Easement No. DACW29-2-10-176 for St. Charles Parish Council
b. Tract No.: Tract No. 134, Section 29, Township 11 South, Range 8 East, St. Charles Parish
c. Brief Description: Easement renewal for access to fishing jetty

2. Records Search:

- There are no Division/Office records applicable to this action.
 A Comprehensive search of all Division/Office records was conducted on _____
The records search included a review of the following documents:

3. Summary of Findings:

- Based on a review of the records identified above, there is no evidence indicating hazardous substances were stored, released, or disposed of on this property.
 Based on a review of the records identified above, there is evidence that hazardous substances have been/may been stored, released, or disposed of on this property. A copy of the pertinent record(s) is/are attached.

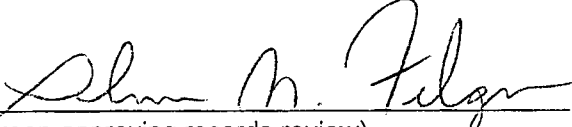
4. Signature and Approval:



(Person reviewing records) **ROBERT BROOKS**

11-16-10

(Date)



(Person approving records review) **WALTER BAUM**

11/16/10

(Date)

**PRELIMINARY ASSESSMENT SCREENING
CERTIFICATION OF RECORDS SEARCH**

- A. Construction Division
B. Engineering Division
C. Logistics Management Office
D. Operations Division
E. Planning Division
F. Safety, Security & Occupational Health Office
G. Other _____

1. Location:

- a. Project Name: Proposed Easement No. DACW29-2-10-176 for St. Charles Parish Council
b. Tract No.: Tract No. 134, Section 29, Township 11 South, Range 8 East, St. Charles Parish
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3. Summary of Findings:

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 Based on a review of the records identified above, there is evidence that hazardous substances have been/may been stored, released, or disposed of on this property. A copy of the pertinent record(s) is/are attached.

4. Signature and Approval:


(Person reviewing records)

10/5/10
(Date)

(Person approving records review)

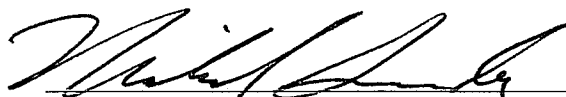
(Date)

**STATEMENT OF FINDINGS
FOR RENEWAL OF EASEMENT NO. DACW29-2-00-01
(NEW EASEMENT NO. DACW29-2-10-176)**

In accordance with ER 405-1-12, the environmental requirements for any real estate outgrant include compliance with the National Environmental Policy Act (NEPA), other environmental laws not subsumed in NEPA, and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).


In the case of a real property transaction, where a categorical exclusion, as defined by Appendix A of AR 200-2 applies, the vehicle for environmental compliance is the Record of Environmental Consideration (REC). The REC provides NEPA compliance and is supported by the preparation of a Report of Availability (ROA) addressing other environmental laws with EBS/PAS documenting complete internal agency records search of the known history of the property with regard to the storage, release or disposal of any hazardous substances in compliance with the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

A database search was conducted for records of HTRW within and adjacent to the proposed project area, including contaminants, spills, and National Priority List (Superfund) sites. The conclusion of this environmental review is that there are no specific or unusual environmental concerns. There is no evidence indicating hazardous substances were stored, released or disposed of on this property. We have no objections or adverse comments to the proposed outgrant.



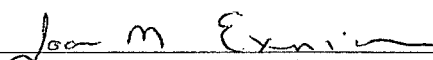
Michael L. Swanda, Chief
Natural and Cultural Resources Section

8/9/2011
Date



Richard E. Boe, Chief
Coastal Environmental Compliance Section

8 AUG 11
Date



Joan M. Exnicios, Chief
Environmental Planning Branch

8-8-11
Date

